

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 53956

Syed Vali Hasan
Kim Hasan

2212 Ridge Road

Respondents

FINDINGS OF FACT AND CONCLUSION OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on February 25, 2009, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101; 102.1; 1B01A; 428 failure to cease outside storage of unlicensed/inoperable motor vehicles; failure to cease the operation of a contractor's equipment storage yard on residential property zoned RC 5 known as 2212 Ridge Road, 21136.

On January 26, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$800.00 (eight hundred dollars).

The following persons appeared for the Hearing and testified: the Respondents, Syed Vali and Kim Hasan and Lavette Street, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 8, 2008 for removal of all untagged/inoperative or damaged/disabled motor vehicles, and removal of contractors equipment storage yard. Photographs show two untagged vehicles, and an extensive array of piled lumber, ladders, tools, buckets, HVAC ductwork, doors, and other construction materials.

B. In 2005, the Respondents were issued a Citation for operation of a contractor's equipment storage yard and for improper outside storage of unlicensed motor vehicles. The storage yard violation was corrected before the hearing, and the Hearing Officer imposed a \$200 civil penalty and then suspended the penalty on condition that all code violations be corrected by April 19, 2005. This prior case information is relevant because it shows that Respondents have knowledge of the Baltimore County code requirements that they are currently charged with violating.

C. Re-inspection prior to this Hearing, on February 23, shows some improvement in the site but photographs in the file show that substantial contractor materials remain, including piled lumber, a laundry sink, and what appears to be fencing material. This is either improper use of residential property as a contractor storage yard, or improper use of the property as an open dump. Re-inspection also shows the same unlicensed truck that was on the property on December 8. Respondents testified that they are trying to sell the truck. Respondents further testified that they have sold the other vehicle to a scrap yard.

D. The evidence indicates that the Respondents have made some efforts to comply with the Correction Notice. However, there is still an unlicensed truck and the yard is still being used as a storage yard or dump. Because some efforts have been made and because the Respondents appeared for this Hearing and requested additional time, one additional time extension will be granted for compliance.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00.

IT IS FURTHER ORDERED that the County shall inspect the property on or about March 23, 2009, to determine whether all violations have been corrected.

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED if the re-inspection shows that the violations have been corrected. If the Respondents have failed to correct all violations, the civil penalty shall be imposed and placed as a lien upon the property. Additional civil penalties may be imposed for continued violations.

ORDERED this 3rd day of March 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO VIOLATOR: The violator is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Violator may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Violator may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.